

REMARKS

The application has been amended to place it in condition for allowance at the time of the next Official Action.

Claims status

Claims 1-22 were previously pending in the application. Claim 18 is canceled; leaving claims 1-17 and 19-22 for consideration.

Claim objection

Claim 18 is canceled.

35 USC 112, second paragraph

Claim 14 is amended to depend from claim 13. In this way the configurable integrated circuit card of claim 14 is an embodiment of the configurable integrated circuit of claim 13 (see page 8, lines 24-34). Claim 18 is cancelled.

The above changes are believed to address the 35 USC 112, second paragraph rejections noted on page 2 of the Official Action and withdrawal of the same is respectfully requested.

35 USC 102 rejection

Claims 1, 2, 6-8, 11-18, 20 and 21 were rejected under 35 USC §102(b) as being anticipated by KAWASE et al. 5,631,896. That rejection is respectfully traversed.

Claims 1, 13 and 15 are the independent claims.

Each of the independent claims include:

a first unit and a protecting pair unit of the data computing device. The claims are amended to clarify that the protection pair unit is a different hardware from the first unit.

By way of example, there are two different hardware units, a first unit for a working path and second unit for a protection path (see claim 5, for example). As seen in Figure 3, reproduced below, by way of further example, a configurable integrated circuit of the first unit 300 sends a signal (400) to a configurable integrated circuit of the protecting pair unit 302 that signals a need for the switch-over in real time based data communication.

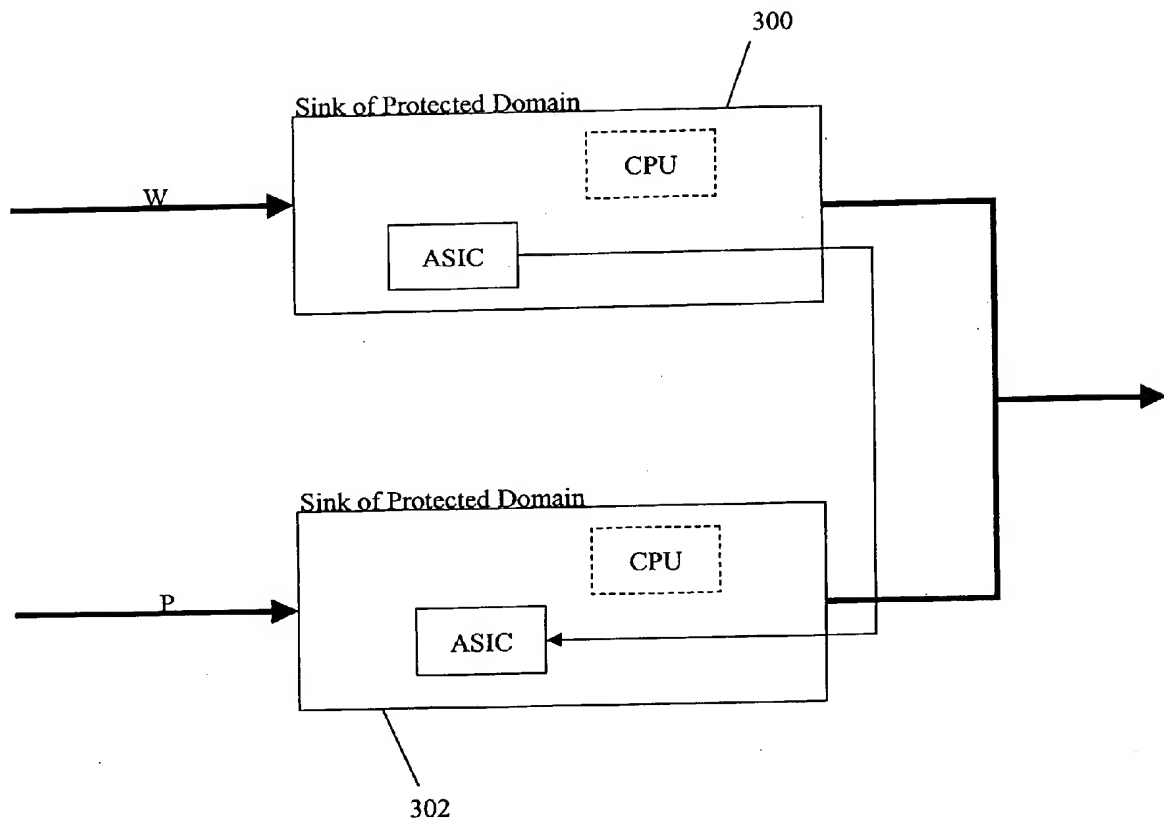


Fig. 3

The Office Action offers Figure 1 of KAWASE as disclosing this feature.

However, Figure 1 is the prior art of KAWASE that KAWASE disparages (see column 1, lines 18-36). An anticipatory rejection can not properly be based on the disclosure of a reference and what that reference discloses as prior art. Rather, anticipation is based on the disclosure being in a single embodiment.

Moreover, neither prior art Figure 1 of KAWASE nor KAWASE proper disclose a configurable integrated circuit of the first unit sends a signal to a configurable integrated circuit of the protecting pair unit. There is no communication between ICs of KAWASE.

One having ordinary skill in the design engineering art would understand that KAWASE is based on conventional path protection technology. Thus, KAWASE does not disclose that the working path and the protecting path would be different units or situated, with respect to hardware, at different units. Therefore, a device protection path aspect based on a protection pair unit being a different hardware from the first unit is missing from KAWASE. Accordingly, KAWASE is not anticipatory.

Indeed, in 1995, when KAWASE was invented and disclosed, the device based protection switching was not known. That is why KAWASE does not disclose this aspect and rather, the teaching of KAWASE is based on path protection.

In view of this, it is believed to be apparent that KAWASE does not disclose that which is recited and reconsideration and withdrawal of the rejection are respectfully requested.

Claims 3-5, 9, 10 and 22 were rejected under 35 USC 103(a) as being unpatentable over KAWASE et al. in view of SHABTAY et al. 7,093,027. That rejection is respectfully traversed.

SHABTAY is only cited with respect to features of the dependent claims. SHABTAY does not overcome the shortcomings of KAWASE set forth above with respect to claim 1. Indeed, SHABTAY was extensively previously discussed and distinguished over (see amendment of July 9, 2007). Since claims 3-5, 9, 10 and 22 depend from claim 1 and further define the invention, these claims are believed to be patentable at least for depending from an allowable independent claim.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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